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10: The Secretary

THROUGH: 3/3

FROM:           MR - Foy D. Kohler

**SUBJECT:** Transmittng Draft of Proposed Memorandum to be  
Handed Crowley

There is attached a draft of a proposed memorandum to be handed Gromyko by Ambassador Thompson during their next meeting. This might be considered along with the draft instructions which you already have of the White House meeting tomorrow (advance copies have been sent to Mac Bundy). A draft of a supplementary and unilateral instruction is also being prepared and should be ready late today.

### At treatment 0

### Proposed Memorandum

## CATEGORY "A"

Completely desensitized

Transferred to O/FADRC

by 5/5/82 to 6/1/82  
date 6-5-82

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MEMORANDUM

1. Throughout the exchanges that have taken place between the Soviet and US Governments on the questions of Germany and Berlin, the US Government has for its part earnestly sought to find a basis for agreement which would meet the legitimate needs of all parties concerned. In this endeavor, the US Government has had as its aim to promote peace and tranquility in Central Europe without sacrificing such basic principles as the right of self-determination.

2. The US Government remains convinced that the best solution to the German and Berlin questions would be the signing of a peace treaty with a Germany reunified on the basis of self-determination and the restoration of Berlin as the capital of a free, peaceful, and democratic Germany. Because it believes that a lasting European settlement cannot be achieved on the basis of a divided Germany, the US Government could never join in any move which would legitimate the division of Germany.

3. Nevertheless the Western Powers have made clear in actions and in words that they are living with the present situation and do not contemplate any use of force to change it.

4. It is, and has been, the sincere desire of the US Government to ascertain whether or not there exists a basis for negotiations on Berlin. It is equally true that the US Government is convinced that the appropriate place to begin, since this is obviously the critical point at issue, is

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with the assurance of free access to and from Berlin. For this reason we proposed the International Access Authority, which would operate without prejudice to the divergent positions of the various parties in interest.

5. The US Government would like to think that it is possible to solve more than simply the problem of access to West Berlin, and it was for this reason that it proposed an all-Berlin solution. It is not convinced by the Soviet argument that such a solution "is not in the nature of things". However, should it not be possible for whatever reason to solve larger questions at this time, the US Government considers that the question of access, which is the only area of acute danger, is the sensible place to begin in the conviction that if some tentative understandings can be reached here, it would then be possible to move to agreement on other questions.

6. It is obvious that all questions in issue cannot be discussed and decided simultaneously, but this is no reason why discussions on one or two aspects should not take place to the point where the outline of a possible agreement begins to take shape. It might then prove easier to discuss the remaining questions. Far from attempting to exert pressure or impose preconditions, the US Government was in this way--by choosing a logical starting point--attempting to avoid the vicious circle or marking of time which the Soviet Government indicates it seeks to avoid. Access was not intended to be the sole subject of all negotiations but, because of its over-riding importance to the maintenance of peace, to serve as a starting point for what agreement appeared possible. This

importance

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importance has been underscored by Soviet actions in the last two weeks in violation of the long-standing agreements and procedures governing use of the air corridors.

7. The goal of the US in these discussions is the equitable and peaceful settlement of controversies existing between it and the Soviet Union, and it had hoped that the Soviet goal is the same .

8. While recognizing the desirability of tidying up "the remnants the Second World War", the US is far more interested in the immediate problem of preserving the peace and preventing a Third World War.

9. The Soviet Government is quite right in saying that the Western Powers cannot prevent the Soviet Union from concluding a so-called "German Peace Treaty", and this they have never sought to do. What the Soviet Government cannot do is to affect thereby the legal rights of the Western Powers. The US Government wishes to make it quite clear that, by virtue of the unconditional surrender of the Third Reich, the US, UK, and France are entitled to be present in Berlin and to have wholly unimpeded access thereto. The Three Powers do not exercise these rights on the difference of the Soviet Union or the East German authorities. No treaty between the Soviet Union and East Germany can terminate the occupation rights of the Western Powers.

10. It should be added that the presence of the Western Powers has the whole-hearted support of the Germans most directly affected, the people of

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people of West Berlin. This is a fact which could be demonstrated at any time by means of a properly supervised plebiscite. Contrary to the assertion of the Soviet Foreign Minister, it would be entirely possible to hold a plebiscite while Western troops remain in Berlin. The purpose of adequate international supervision is precisely to ensure that no possibility of pressure on the free expression of popular will can exist.

11. If, as the Soviet Foreign Minister has stated, Berlin harbors a "threat of explosion" or has become "a dangerous knot of international tension", it is because the Soviet Government and its allies have chosen to make it so. It should not be forgotten that for the decade between the Soviet-imposed blockade of Berlin and the Soviet ultimatum of November 1958, Berlin existed in a situation of relative peace and quiet and was not a threat to world peace.

12. The US Government is persuaded that the Soviet proposal for Berlin would produce a city that was neither peaceful nor independent.

13. The Soviet Government has stated that it has examined the Berlin question in light of the city's situation within a sovereign state--a situation, it should be pointed out, created by the Soviet Union--and concluded once again that there is no better basis for agreement than the transformation of West Berlin into a free, demilitarized city. In this Soviet proposal an effort has been made to weave beguiling words such as "free", "demilitarized", and "normalizing" into a document which would

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subject to the whim of the East German regime. One has to take only a brief glance at the long list of wholly legitimate visitors whose presence in West Berlin the West German authorities have violently protested, including President and Mrs. Luebke, Chancellor Adenauer, Bishop Dibelius, the Reverend Billy Graham and the NATO parliamentarians, to see how much free travel would be permitted under such an arrangement.

18. The proposals would prohibit "activity or propaganda hostile toward any state". It has long been clear that the mere existence of a free press and radio in West Berlin are considered as "hostile" to its interests by the East German regime.

19. With regard to the proposed United Nations membership for West Berlin, this is merely a further confirmation of the Soviet thrust towards the permanent division of Germany.

20. The Soviet Government proposes that the "freedom" which it seeks to confer upon West Berlin be guaranteed by various governments, including the Soviet Union. There would be a "joint guarantee" and in the event of a "threat" the parties would consult regarding measures to eliminate such threat. They would adopt "concerted measures" to insure the neutrality of the Free City.

21. Proposals for establishing joint controls with regard to Berlin bring vividly to mind the protracted and frustrating efforts of the American British and French authorities to cooperate with Soviet authorities both in

Germany

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Germany, and in Berlin itself pursuant to quadripartite agreements. It became clear at that time that such an arrangement could not be made to operate effectively in the face of differing national objectives. Thus the US, UK, and France originally shared occupation rights in all of Greater Berlin with the Soviet Government. Unilateral and illegal Soviet actions have now all but excluded the other Three Powers from East Berlin.

22. The reasoning underlying the Soviet proposal that West Berlin be "demilitarized" is obscure. West Berlin is a relatively small area, populated by some two million people. It is completely surrounded by a hostile East German regime, which has frequently boasted of its military might and of its designs on West Berlin. The present security of West Berlin is guaranteed by the presence of an Allied garrison of about 12,000 which are surrounded by more than 26 Communist divisions.

23. Under these circumstances, the US Government cannot assume that the Soviet Government seriously expected it to agree to leaving the city defenseless. The Western Powers are firmly convinced--as are the West Berliners--that, stripped down to essentials, the single element which contributes most to the continued freedom of West Berlin is the presence there of the troops of the Three Powers. Far from contributing to tensions, these troops are an assurance against provocative actions against West Berlin and thus contribute greatly to the preservation of world peace.

24. The withdrawal of these troops or the entry into West Berlin of

Soviet troops

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Soviet troops would accordingly be unacceptable to the Western Powers and to the West Berliners. It is difficult to see how the Soviet Government can maintain that the US, UK, and France have no role to play in East Berlin and at the same time propose a large role for their troops in West Berlin. As the American Ambassador has previously stated, the Western Powers can scarcely be expected to give up their position while the Soviets maintain and improve the essentials of their position.

25. The US Government is mindful of the fact that the Soviet Union had already, in 1944 and 1945, entered into agreements with the US, UK, and France regarding Berlin and Germany. The Soviet Government now takes the position that not only is it no longer bound by those agreements relating to Berlin, but that it also has the legal right to determine the present rights of the other states which participated in the war against Germany with respect to Berlin. Faced with such assertions, the United States could envisage entering into new agreements only if they were so framed as to ensure their effectiveness and permanence.

26. The Soviet Government contends that it is being requested "to place its signature literally or figuratively under an agreement which would perpetuate the presence of troops of the Western Powers in West Berlin". The US Government has not requested that this be done because, among other reasons, it is unnecessary. As pointed out previously, Western rights in Berlin do not derive from the Soviet Government, and that Government is not being asked to sign any document containing terms which seem to have acquired unpleasant associations for it. What the Soviet Government is being asked

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asked to do is to accept the fact of the Western presence in Berlin and to draw the appropriate conclusions from that fact.

27. Finally, these discussions can achieve nothing if they should begin to revolve about threats to resort to force. The Western Powers have no desire whatsoever to attempt to solve any questions by force, though they are prepared to take whatever steps may be necessary to fulfill their responsibilities. They remain convinced, however, that reasonable men and nations can resolve the issues which divide them without the use of force if good will is shown on both sides. It is in this spirit that the Western Powers will continue to attempt to resolve their difficulties with the Soviet Government, with confidence that there are no inevitable obstacles to arriving at a peaceful and honorable solution given Soviet cooperation.

In the memorandum handed to the Soviet Foreign Minister on February 1, 1962, the US Government suggested a number of possibilities which might be explored. In his response, the Soviet Foreign Minister did not address himself to a number of important points made in this memorandum. It is hoped that the Soviet Foreign Minister will carefully re-examine this document with a view to ascertaining whether, as it suggests, a useful discussion cannot be conducted by concentrating on those areas of activity where at least some working arrangement might be possible.

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Meanwhile, the US Government again draws the attention of the Soviet Government to the necessity that both sides refrain from unilateral action that aggravates tensions and involves grave risks. The Soviet Government must recognize that such aggressive harassment of Allied planes by Soviet military aircraft as has been taking place in the Berlin air corridors since February 7 creates the danger of a serious incident or incidents which could rapidly develop into major proportions. The US Government cannot too much stress the seriousness of this situation and the responsibility which the Soviet Union has been assuming in permitting these incidents to occur.

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